

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31485 of 2026

Arising Out of PS. Case No.-83 Year-2026 Thana- KADWA District- Katihar

1. Rohid @ Sahid Son of Hussain @ Md. Hussain Resident of Village - Gosaipur, PS - Azamnagar, District - Katihar
2. Shamim @ Shamim Akhtar son of Hussain @ Md. Hussain Resident of Village - Gosaipur, PS - Azamnagar, District - Katihar
3. Nasim @ Md. Nasim Son of Hussain @ Md. Hussain Resident of Village - Gosaipur, PS - Azamnagar, District - Katihar
4. Hussain @ Md. Hussain Son of Abdul Tauf Resident of Village - Gosaipur, PS - Azamnagar, District - Katihar
5. Parwej @ Md. Prawej son of Bhola @ Abdul Khalid Resident of Village - Bhathha , PS - Kadwa, District - Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Kadwa P.S. Case No. 83 of 2026 registered for the offences punishable under Sections 137(2) and 140(4) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioners is to assault the nephew and brother of the informant while they were going to purchase the building materials and during the course of occurrence, they snatched the cash of Rs. 2 lakhs from the pocket



of nephew of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners were implicated falsely with the present crime in question due to previous enmity and matrimonial discord. It is submitted that petitioner Nos. 1, 2 and 3 are own brother-in-laws of the brother of the informant, namely, Mohd. Masrikul Haque, whereas petitioner no. 4 is his father-in-law and petitioner no. 5, namely, Parwej is his maternal father-in-law.

5. It is pointed out that on the same very day, this case was lodged in retaliation of the present case which was lodged against Mohd. Masrikul Haque by his brother-in-law when he came to the parental house of his wife and made an attempt to kill her, but was caught red-handed by the petitioners and handed over to the police.

6. It is pointed out that before the present case, the wife of brother of the informant, namely, Mohd. Masrikul Haque lodged a matrimonial case against him which was registered as Pranpur P.S. Case No. 20 of 2026, which is the calyx of all such disputes and litigation.

7. While explaining criminal antecedent, it is submitted that petitioner nos. 1 to 4 are of clean antecedent, whereas petitioner no. 5 involved in five cases, wherein he is on bail and merely out of his criminal antecedents, he was implicated in the



present crime in question.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. In view of the aforesaid factual submissions and by taking note of the fact as the present case prima-facie lodged on the same very day in retaliation of Azamnagar P.S. Case No. 98 of 2026 and also in the background of matrimonial discord between the brother of the informant and his wife, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court in connection with Kadwa P.S. Case No. 83 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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